REMARKS

I. Introduction

These remarks are being filed in response to the Office Action dated November 24, 2008. Claims 1-10 are currently pending. Claims 1-5 and 9 were elected following a Restriction Requirement and claims 6-8 and 10 were withdrawn by the Examiner. Claims 1-5 and 9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kawase et al., JP 2004-171875. For at least the following reasons this application should be allowed and the case passed to issue.

II. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-5 and 9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kawase et al. JP 200-171875 (Kawase). Applicants respectfully traverse the rejection.

Claims 1 and 9 each recite, in pertinent part,

> an inorganic compound layer provided on the active material layer, the inorganic compound layer having a chemical composition expressed by general formula (1) described below, and having lithium ion conductivity
> $Li_xPT_yO_z$ (1)
> wherein component T is at least one kind of element selected from an element group consisting of element symbols Ti, Cu, Zr, Mo, Ta, and W, and additionally x, y, and z satisfy $2.0 \leq x \leq 7.0$, $0.01 \leq y \leq 1.0$, and $3.5 \leq z \leq 8.0$, respectively

Anticipation under 35 U.S.C. § 102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed Cir. 1987). At a minimum, the cited prior art does not disclose (expressly or inherently) an inorganic compound layer having the formula recited in claims 1 and 9, excerpted above.

As explained in the instance specification, this configuration achieves superior ion conductivity and a function for suppressing the decomposition of ion-conductive solid in a humid environment. See specification page 9, line 30 to page 10, line 3.

Furthermore, as shown in FIG. 2, the battery electrode having the configuration as recited in claims 1 and 9, in which the inorganic compound layer has the formula $Li_xPT_yO_z$, has a significantly improved capacity retention rate as compared to a battery electrode having an inorganic compound layer with the formula LiPON.

Moreover, in contrast to the claimed subject matter as discussed above, Kawase fails to disclose an inorganic compound layer having a general formula as recited in claims 1 and 9. Kawase teaches lithium halide such as LiF (lithium fluoride), LiI (lithium iodide), L_3P (trilithium phosphide), Li_3PO_4 (trilithium phosphate), lithium phosphate nitride (LiPON) and the like as the material of an inorganic compound layer as set forth in paragraph [0023] of the JPO website English translation. However, importantly, Kawase fails to teach an **inorganic layer having the formula: $Li_xPT_yO_z$**.

Furthermore, although paragraph [0018] in Kawase refers to Cu, Ti, W and Mo, these metals are referred to as materials of the *current collector plate*, not for a substituent metal "T" in $Li_xPT_yO_z$ in an **inorganic compound layer** as recited in claims 1 and 9.

Therefore, it clear that Kawase fails to teach all of the elements of independent claims 1 and 9. Accordingly, claims 1 and 9 are allowable over the cited prior art reference.

Furthermore, claims 2-8 depend from and further define the subject matter of claim 1, and therefore should also be allowed.

III. Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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